

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

PRIME TRADING COMPANY, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 08 C 154
v.	)	
	)	Judge Kennelly
R.J. O'BRIEN & ASSOCIATES, INC., an	)	Magistrate Judge Ashman
Illinois Corporation,	)	
	)	
Defendant.	)	

**DEFENDANT'S RULE 26(a)(1) INITIAL DISCOVERY DISCLOSURES**

Defendant R.J. O'Brien & Associates, LLC ("RJO") incorrectly sued as R.J. O'Brien & Associates, Inc., pursuant to Federal Rule of Civil Procedure 26(a)(1), makes the following initial disclosures:

**26(a)(1)(A)(i)**

Based on the current results of RJO's on-going investigation, the individuals listed below are believed likely to have discoverable information that RJO may use in support of its claims or defenses:

1.     **Beth Anderson**- former Vice President of Compliance. Ms. Anderson can be contacted through counsel for RJO. RJO believes that Ms. Anderson may have discoverable information regarding the Prime Trading Customers' accounts from a compliance perspective and the December 13, 2002 meeting in Chicago, Illinois with Larry Volf

2       **Michael O'Malley**- former Chief Risk Officer. Mr. O'Malley can be contacted through counsel for RJO. RJO believes that Mr. O'Malley may have discoverable information regarding the Prime Trading Customers' accounts from a risk perspective and the December 13, 2002 meeting in Chicago, Illinois with Larry Volf.

3. **Anne Farris**- Director of Compliance. Ms. Farris can be contacted through counsel for RJO. RJO believes that Ms. Farris may have discoverable information regarding the Prime Trading Customers' accounts from a compliance perspective.

4. **Gerald Corcoran** – Chief Executive Officer. Mr. Corcoran can be contacted through counsel for RJO. RJO believes that Mr. Corcoran may have discoverable information regarding the December 13, 2002 meeting in Chicago, Illinois with Larry Volf.

5. **Mary Ellen Scanlin**- CEO Introducing Broker Division and Executive Vice President. Ms. Scanlin can be contacted through counsel for RJO. RJO believes that Ms. Scanlin may have discoverable information regarding the December 13, 2002 meeting in Chicago, Illinois with Larry Volf.

RJO further states, upon information and belief, that there are likely employees, former employees, or agents of Plaintiff that likely have discoverable information that RJO may use in support of its claims and/or defenses. As discovery in this matter has not yet commenced, RJO is unable to either determine or disclose these persons' identities and/or substances of the information they may possess.

**26(a)(1)(A)(ii)**

A list of categories of documents in the possession, custody or control of RJO that may be used in support of RJO's claims or defenses is included below:

- Clearing Agreement
- Guarantee Agreement
- Security Agreements and Assignments of Account for Prime Trading Customers' accounts
- Account Agreements including, but not limited to, Hedge Agreements, Introducing Broker Authorizations, Powers of Attorney for the Prime Trading Customers' accounts

- Equity Runs
- Margin Call Reports
- Account Statements for Prime Trading Customers
- Releases signed by Volf and certain Prime Trading Customers
- Correspondence between Volf and certain Prime Trading Customers regarding payments from Prime Trading/Volf

All documents in the above categories are kept and maintained at RJO's office at 222 South Riverside Plaza, Suite 900, Chicago, IL 60606.

RJO further states, upon information and belief, that there are likely discoverable documents within the possession, custody, or control of Plaintiff that RJO may use in support of its claims and/or defenses including, without limitation, documents relating the CFTC's action against Plaintiff and others and the NFA's investigation of Plaintiff and others.

**26(a)(1)(A)(iii)**

To date, RJO has not filed a counter-claim for damages against Plaintiff.

**26(a)(1)(A)(iv)**

To the best of RJO's current knowledge, no relevant insurance coverage covers Plaintiff's claims.

RJO reserves the right to supplement this disclosure as necessary under the Federal Rules of Civil Procedure if any additional or new information comes to its attention as a result of its on-going investigation.

Dated: March 31, 2008

Respectfully Submitted,

R.J. O'Brien & Associates, LLC

BY: s/ Doressia L. Hutton  
One of Its Attorneys

Vincent J. Connelly, 00501557  
Doressia L. Hutton, 6275168  
MAYER, BROWN LLP  
71 South Wacker Drive  
Chicago, Illinois 60606  
312-782-0600  
312-701-7711

Marshall E. Hanbury  
MAYER, BROWN LLP  
1909 K Street, N.W.  
Washington, D.C. 20006-1101  
202-263-3357  
202-263-5357

**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 31, 2008 I caused a copy of Defendant's Rule 26(A)(1) Initial Discovery Disclosures to be served by electronic filing, upon the following:

Edward H. Tricker  
Woods & Aiken LLP  
301 South 13<sup>th</sup> Street, Suite 500  
Lincoln, Nebraska 68508

Jeffrey Schulman  
Wolin & Rosen, Ltd.  
55 West Monroe 36<sup>th</sup> Floor  
Chicago, Illinois 60603

s/ Doressia L. Hutton